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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,839	11/03/2000	Hiroshi Aoki	086142/0431	4309

7590 09/10/2002

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EXAMINER	
DICKENS, CHARLENE	
ART UNIT	PAPER NUMBER
2855	

DATE MAILED: 09/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.	Applicant(s)
09/704,839	AOKI
Examiner	**Group Art Unit**
DICKENS	2855

—The MAILING DATE of this communication appears on the cover sheet beneath th correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 8/23/02.

☒ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-17 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-17 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ Th drawing(s) filed on _____ is/are objected to by the Examiner

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____.

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

Office Action Summary

1. The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: positioning sensor.

3. The disclosure is objected to because of the following informality on page 5, the language regarding a fulcrum is incorrect. Applicant is respectfully requested to remove the use of fulcrum from the specification. Appropriate correction is required.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It still is not clear what element the applicant is purport to be the position sensor.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371c of this title before the invention thereof by the applicant for patent.

7. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Blakesley. As best understood, Blakesley teaches a seat weight measuring apparatus (Figs. 1-5) comprising a load sensor 40 installed at one of location at which the seat is mounted to a vehicle body; wherein the seat is mounted to the vehicle body by a mounting structure that permits movement of the seat in response to the load applied to the seat so that a part of the load applied to the seat is not measured by any load sensor; and a positioning sensor and a restraining mechanism (53A, 53B).

8. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Oestreicher et al. As best understood, Oestreicher et al. teaches a seat weight measuring apparatus (Figs. 1-5, 9, 10) comprising a load sensor 14 installed at one of location at which the seat is mounted to the vehicle body; a wherein the seat is mounted to the vehicle body by a mounting structure that permits movement of the seat in response to the load applied to the seat so that a part of the load applied to the seat is not measured by any load sensor; and a positioning sensor and a restraining mechanism 44.

9. Applicant's arguments filed 8/23/02 have been fully considered but they are not persuasive. Applicant argues Blakesley fails to disclose, teach or suggest a mounting structure that provides for a part of the load applied to the seat not to be measured by a load sensor. Applicant goes on to state Blakesley discloses a seat weight sensor having four sensors through which the entire load applied to the seat is transferred. The Examiner disagrees with this argument. Blakesley discloses when an occupant sits on the seat bottom, the seat occupant's weight is transferred to the seat pan, through the sensor, to the upper slide rail, then to the lower slide rail, then to the seat bracket and then to the floor. Blakesley further discloses the entire weight of the ***seat occupant*** is

transferred as a force through the four sensors. Blakesley does not disclose the occupant's entire weight plus the weight of the seat, the seat pan, the slide rails and seat bracket are measured by the sensor. One of ordinary skill in the art would know the mounting structure has weight and yielding part of the load. Again, Blakesley does not disclose the entire load applied to the seat is transferred to the sensor. It is noted the applicant has not responded to the other outstanding art rejection.

10. This is a continuation of applicant's earlier Application No. 09/704,839. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire

on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dickens whose telephone number is (703) 305-7047. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist or the customer service representative whose telephone numbers are (703) 308-0956 or (703) 308-4800 respectively. The fax numbers are (703) 305-3431 and (703) 305-3432.

cd/dickens
September 3, 2002

Benjamin R. Fuller
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